

REMARKS

The specification has been amended. Claims 35, 36, 39, and 40 have been cancelled by this Amendment. Claim 33 has been amended by this Amendment. A new independent claim 41 and new claims 42 – 44 depending ultimately therefrom have been added. Claims 17 – 34, 37, 38, and 41 – 44 are currently pending in the present application.

In the Office Action, the Abstract of the Disclosure and Paragraph [0001] of the specification are objected to. Additionally, in the Office Action, claims 17-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Dow US Patent No. 2,742,105. Also, in the Office Action, claims 17-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Albert et al US Patent Application No. 2004/0163205.

With regard to the objections to the Abstract of the Disclosure and Paragraph [0001] of the specification, these objections are now submitted to be overcome in view of the amendments to the specification.

The rejection of claims 17 – 40 under 35 USC §102(b) is respectfully traversed in view of the cancellation of claims 35, 36, 39, and 40 and the following comments.

Claim 17 of the present application recites a dust collector and claim 32 of the present application recites a vacuum cleaner. To illustrate the present invention, reference is had to claim 32 of the present application, which recites a vacuum cleaner including a housing defining a dust compartment and a cover for closing the dust compartment, a carrier, and a removable dust collector. The carrier is movably coupled to the housing and has at least one locking member extending outwardly from the carrier. Also, in the vacuum cleaner recited in claim 32 of the

present application, the carrier is movable between a locking condition, in which the locking member extends beyond the housing and prevents the cover from closing the dust compartment, and a release condition, in which the locking member is retracted. Additionally, the removable dust collector is receivable in the dust compartment and includes a holder being engagable with the carrier. The carrier of the vacuum cleaner recited in claim 32 of the present application is in the release condition when the dust collector is positioned within the dust compartment and the holder engages the carrier, and in the locking condition when the dust collector is removed from the dust compartment and the holder disengages the carrier.

U.S. Patent No. 2,742,105 to Dow discloses a vacuum cleaner, in which a swivel-mounted locking member in the form of a lift arm is provided. The dust bag is installed separately from the locking member. In the case of a dust bag not installed properly, the lift arm juts into the closing path of the cover closing off the dust collection compartment. The locking member is disposed such that it is pressed out of its locking position by a reinforcing plate provided on the dust bag against the force of a spring.

US Published Patent Application 20040163205 to Albert et al discloses a vacuum cleaner 1 having an under part 2 and a cover 3. The under part 2 has a dust collection compartment 4 housing a dust bag 5. The dust bag 5 has a reinforcing plate 6, which is stuck in a fixture 7. The fixture 7 has a downwards tapering surface 10 in the shape of a funnel or trapezoid for bearing a clip 11, which is disposed on the underside of the reinforcing plate 6, for the purpose of pushing the latter down easily between guide elements 12 and 13 of the fixture 7. The clip 11, thus, has a contour in the shape of a funnel or trapezoid likewise adapted to the surface 10. The reinforcing plate 6 also has an air inlet opening 14 and a grip aperture 15. The air inlet opening 14 has a non-illustrated rubber seal, which terminates airtightly opposite an inlet connector 16 in the cover 3.

It is respectfully submitted that neither U.S. Patent No. 2,742,105 to Dow nor US Published Patent Application 20040163205 to Albert et al teach or disclose the present invention, either as set forth in claim 17 of the present application directed to a dust collector or as set forth in claim 32 of the present application directed to a vacuum cleaner. For example, U.S. Patent No. 2,742,105 to Dow and US Published Patent Application 20040163205 to Albert et al each disclose respective different arrangements for ensuring that a cover of a vacuum cleaner cannot be closed if a filter bag has not been loaded into the vacuum cleaner. However, neither U.S. Patent No. 2,742,105 to Dow nor US Published Patent Application 20040163205 to Albert et al disclose, or hint at the desirability of, a vacuum cleaner having an arrangement such as, for example, the carrier of the vacuum cleaner recited in claim 32 of the present application, that prevents the cover from closing the dust compartment in the event that a dust collector – not a filter bag – is disposed in the vacuum cleaner. Both U.S. Patent No. 2,742,105 to Dow and US Published Patent Application 20040163205 to Albert et al merely disclose arrangements for ensuring that a cover of a vacuum cleaner cannot be closed if a filter bag has not been loaded into the vacuum cleaner and neither of these cited references provide any guidance to one of skill in the art as the desirability of, let alone an arrangement for, ensuring that a cover of a vacuum cleaner cannot be closed if a removable dust collector has not been loaded into the vacuum cleaner.

For these and other reasons, it is submitted that U.S. Patent No. 2,742,105 to Dow and US Published Patent Application 20040163205 to Albert et al do not teach or disclose the present invention, either as set forth in claim 17 of the present application directed to a dust collector or as set forth in claim 32 of the present application directed to a vacuum cleaner. Therefore, claims 17 and 32 are allowable. Also, claims 18 – 31 all ultimately depend from claim 17 and are allowable for the same reasons and also because they recite additional patentable subject matter. Additionally, claims 32 – 34, 37, and 38 all ultimately depend from

claim 32 and are allowable for the same reasons and also because they recite additional patentable subject matter.

It is also submitted that new independent claim 41 and new dependent claims 42 - 44 depending ultimately therefrom, all patentably define over the prior art of record. Independent claim 41 of the present application recites a vacuum cleaner including housing defining a dust compartment and a cover for closing the dust compartment, a carrier, and a removable dust collector. The carrier is movably coupled to the housing and has a lock out member. Also, the carrier is movable between a locking condition, in which the lock out member is disposed for preventing the cover from closing the dust compartment, and a release condition, in which the lock out member does not prevent the cover from closing the dust compartment. The removable dust collector is receivable in the dust compartment. In accordance with claim 41 of the present application, the vacuum cleaner is loadable with a filter bag in a filter bag loading operation that includes one of a pair of steps of disposing a filter bag in the housing and thereafter closing the dust compartment with the cover and the single step of disposing a filter bag in the housing or alternatively is loadable with the removable dust collector in a collector loading operation that includes one of a pair of steps of disposing the removable dust collector in the housing and thereafter closing the dust compartment with the cover and the single step of disposing the removable dust collector in the housing. The carrier is in the locking condition when a filter bag is loaded into the dust compartment in a filter bag loading operation and the carrier moves in response to a filter bag load operation from the locking condition into the release condition, whereupon the dust compartment can be closed by the cover. Furthermore, the carrier is in the locking condition when the removable dust collector is loaded into the dust compartment in a collector loading operation and the carrier moves in response to a collector loading operation from the locking condition into the release condition, whereupon the dust compartment can be closed by the cover. The carrier of the inventive vacuum cleaner is, in the locking condition, capable of

receiving either a filter bag or the removable dust collector in a respective filter bag loading operation or a collector loading operation. As noted above, the prior art of record would not provide one of skill in the art with any hint or motivation to provide an arrangement for, ensuring that a cover of a vacuum cleaner cannot be closed if a removable dust collector has not been loaded into the vacuum cleaner, whereupon it can be seen that none of the prior art of record would teach or suggest the inventive vacuum cleaner recited in new independent claim 41 of the present application.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 17 – 34, 37, 38, and 41 – 44 and request entry of the enclosed Amendment are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



Russell W. Warnock

Registration No. 32,860

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BSH Home Appliances Corporation
100 Bosch Blvd.
New Bern, NC 28562
Phone: 252-672-7927
Fax: 714-845-2807
russ.warnock@bshg.com